THE HON'BLE Mr. JUSTICE V.ESWARAIAH

-

WRIT PETITION No.2857 of 2006

DATED:16.02.2006

-

Between:

M/s. Sai Lakshmi Metal Industries

Represented by its Managing Partner,

K. Ramakrishna

……Petitioner

AND

1. The Director of Mines and Geology,

B.R.K.R. Building, 8th Floor, Tank Bund Road,

Hyderabad and others

...Respondents

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

-

WRIT PETITION No. 2857 of 2006

ORDER:

This writ petition is filed by the petitioner seeking a direction more particularly, in the nature of writ of mandamus, to declare the action of the 1st respondent in not staying the proceedings No.1528/Q2/2005, dated 19.01.2006 granting quarry lease for building stone over an extent of 2.00 Hectares in Sy.No.107 of Mothe Village, Jagithyal Mandal, Karimnagar District in favour of the 4th respondent, and rejecting the application of the petitioner, pending disposal of the appeal filed by him on 28.01.2006, as arbitrary and illegal.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Irrigation for the respondents.

The petitioner and the 4th respondent have applied for grant of quarry lease for building stone and road metal over an extent of 1.78 Hectares in Sy.No.107/1 of Mothe Village, Jagithyal Mandal. But, the application of the petitioner was rejected, while the lease was granted in favour of the 4th respondent *vide* proceedings No.1528/Q2/2005, dated 19.01.2006, of the Deputy Director of Mines and Geology, Warangal. As against the said order, the petitioner filed an appeal before the 1st respondent-Director of Mines and Geology on 28.01.2006 along with an application to stay the operation of the said order of the rejection. It is stated that the said application has not been considered and disposed of. It is further stated that though the petitioner submitted an application earlier to the 4th respondent, his application was rejected and contends that he alone is entitled to grant of lease.

I am not inclined to consider the case of the petitioner at this stage, as the appeal is pending before the first respondent.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it appropriate to direct the first respondent to consider the main appeal itself filed by the petitioner on 28.01.2006 and pass appropriate orders, in accordance with law, within a period of six weeks from the date of receipt of the order, after affording an opportunity to the petitioner and the 4th respondent.

With the above directions, the Writ Petition is disposed of. No order as to costs.

_____

16th February, 2006

bud